

EG



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,058	08/09/2001	Kevin J. McGrath	5500-78200	4127

7590 11/05/2004

Lawrence J. Merkel
Conley, Rose, & Tayon, P.C.
P.O. Box 398
Austin, TX 78767

EXAMINER

TSAI, HENRY

ART UNIT	PAPER NUMBER
----------	--------------

2183

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/927,058	Applicant(s) MCGRATH, KEVIN J.	
	Examiner Henry W.H. Tsai	Art Unit 2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/16/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>8/16/04</u> . | 6) <input type="checkbox"/> Other: |

Art Unit: 2183

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Christie et al. (U.S. Patent No. 6,157,996), herein referred to as Christie et al.'996.

Referring to claim 1, Christie et al.'996 discloses as claimed a processor (410, see Fig. 6) comprising: a register (MSR 524, see Fig. 6) configured to store a mask (the predicate update field 626 in MSR 524, see Fig. 6); and an execution core

Art Unit: 2183

(the first execution unit 610, see Fig. 6) coupled to the register (MSR 524, see Fig. 6), wherein the execution core is configured, in response to a system call instruction (the inherent predetermined OS service such as reading or writing a flag register), to selectively update each flag of a plurality of flags (CC1-CC7 in PFlags, see Fig. 7, when p=1) responsive to a corresponding indication in the mask (the indication value in the predicate update field 626 in MSR 524, see Fig. 6, see also col. 10, lines 44-50).

Referring to claim 9, Christie et al.'996 discloses as claimed an apparatus comprising: a storage location (MSR 524, see Fig. 6) configured to store a mask (the predicate update field 626 in MSR 524, see Fig. 6); and a processor (410, see Fig. 1) coupled to the storage location (MSR 524, see Fig. 6), wherein the processor is configured, in response to a system call instruction (the inherent predetermined OS service such as reading or writing a flag register), to selectively update each flag of a plurality of flags (CC1-CC7 in PFlags, see Fig. 7, when p=1) responsive to a corresponding indication in the mask (the indication value in the predicate update field 626 in MSR 524, see Fig. 6, see also col. 10, lines 44-50).

Referring to claim 17, Christie et al.'996 discloses as claimed a method comprising processing (by the processor 410,

Art Unit: 2183

see Fig. 6) a system call instruction (the inherent predetermined OS service such as reading or writing a flag register), the processing including selectively updating each flag of a plurality of flags (CC1-CC7 in PFlags, see Fig. 7, when p=1) responsive to a corresponding indication in a mask (the indication value in the predicate update field 626 in MSR 524, see Fig. 6, see also col. 10, lines 44-50).

Referring to claim 22, Christie et al.'996 discloses as claimed a processor (410, see Fig. 1) comprising:
a register (MSR 524, see Fig. 6) configured to store a value (the update indication value in the predicate update field 626 in MSR 524, see Fig. 6, see also col. 10, lines 44-50); and an execution core (the first execution unit 610, see Fig. 6) coupled to the register (MSR 524, see Fig. 6), wherein the execution core is configured, in response to a system call instruction (the inherent predetermined OS service such as reading or writing a flag register), to selectively update each flag of a plurality of flags (CC1-CC7 in PFlags, see Fig. 7, when p=1) responsive to the value (the update indication value in the predicate update field 626 in MSR 524, see Fig. 6, see also col. 10, lines 44-50).

Referring to claim 28, Christie et al.'996 discloses as claimed an apparatus comprising: a storage location (MSR 524,

Art Unit: 2183

see Fig. 6) configured to store a value (the update indication value in the predicate update field 626 in MSR 524, see Fig. 6, see also col. 10, lines 44-50); and a processor (410, see Fig. 6) coupled to the storage location, wherein the processor is configured, in response to a system call instruction (the inherent predetermined OS service such as reading or writing a flag register), to selectively update each flag of a plurality of flags (CC1-CC7 in PFlags, see Fig. 7, when p=1) responsive to the value in the storage location (MSR 524, see Fig. 6).

Referring to claim 34, Christie et al.'996 discloses as claimed a computer accessible medium storing a plurality of instructions (inside the main memory of 410 processor) which, when executed in response to a system call ins (the inherent predetermined OS service such as reading or writing a flag register), selectively update each flag of a plurality of flags (CC1-CC7 in PFlags, see Fig. 7, when p=1) responsive to a value (the update indication value in the predicate update field 626 in MSR 524, see Fig. 6, see also col. 10, lines 44-50) in a storage location.

As to claims 2, 10, 18, 23, 29, and 35, Christie et al.'996 also discloses: the execution core is configured to update a first flag (CC1 in PFlags, see Fig. 7, when p=1) of the plurality of flags (CC1-CC7 in PFlags, see Fig. 7, when p=1) in

Art Unit: 2183

response to the corresponding indication in the mask being in a first state (when the update indication value in the predicate update field 626 in MSR 524 is set, see Fig. 6, see also col. 10, lines 44-50) and wherein the execution core is configured to retain a current state of the first flag (CC1 in PFlags, see Fig. 7, when p=0) in response to the corresponding indication in the mask (when the update indication value in the predicate update field 626 in MSR 524 is not set, see Fig. 6, see also col. 10, lines 44-50).

As to claims 3, 11, 19, 24, 30, and 36, Christie et al.'996 also discloses: the execution core is configured to update the first flag by clearing the first flag (CC1 in PFlags, see Fig. 7, when p=0, and the updating is to set CC1 =0).

As to claims 4, and 12, Christie et al.'996 also discloses: the corresponding indication is a bit (see Col. 10, line 57-58, regarding the field 626 of MSR 524 comprises a 1 bit field).

As to claims 5, and 13, Christie et al.'996 also discloses: the first state comprises the bit being set (when the update indication value in the predicate update field 626 in MSR 524 is set, see Fig. 6, see also col. 10, lines 44-50).

As to claims 6, 14, 20, 25, and 31, Christie et al.'996 also discloses: the execution core (the first execution unit

Art Unit: 2183

610, see Fig. 6) is coupled to receive an indication of an operating mode of the processor, and wherein the execution core is configured to selectively update each flag in the plurality of flags (CC1-CC7 in PFlags, see Fig. 7, when p=1) in a first operating mode (CC1-CC7 in PFlags, see Fig. 7, when p=1), and wherein the execution core is configured not to perform a selective update in a second operating mode (CC1-CC7 in PFlags, see Fig. 7, when p=0).

As to claims 7, 15, 21, 26, and 32, Christie et al.'996 also discloses: the execution core is configured to perform a predetermined update (note initializing the values of CC1-CC7 in PFlags, see Fig. 7 in the Christie et al.'996's system is best reasonably and broadly interpreted as performing a predetermined update) of the plurality of flags (CC1-CC7 in PFlags, see Fig. 7) in the second operating mode (for CC1-CC7 in PFlags, see Fig. 7, when p=0). Note "a fixed update" in claim 21, line 1 is interpreted as "a predetermined update" as set forth in claim 7, line 2.

As to claims 8, 16, 27, 33, and 38, Christie et al.'996 also discloses: further comprising a second register (PFlags 622, see Fig. 6) configured to store the plurality of flags (CC1-CC7 in PFlags, see Fig. 7), wherein the execution core is configured to store the updated plurality of flags in the second

Art Unit: 2183

register (PFlags 622, see Fig. 6) in response to the system call instruction.

As to claim 37, Christie et al.'996 also discloses: the plurality of instructions, when executed in a first operating mode, selectively update each flag in the plurality of flags (CC1-CC7 in PFlags, see Fig. 7, when p=1), and wherein the plurality of instructions, when executed in a second operating mode (CC1-CC7 in PFlags, see Fig. 7, when p=0) perform a predetermined update (note initializing the values of CC1-CC7 in PFlags, see Fig. 7 in the Christie et al.'996's system is best reasonably and broadly interpreted as performing a predetermined update) of the plurality of flags.

As to claim 39, Christie et al.'996 also discloses: the value in the storage location (MSR 524, see Fig. 6) comprises a mask having a respective indication (the update indication value in the predicate update field 626 in MSR 524, see Fig. 6, see also col. 10, lines 44-50) for each of the plurality of flags.

Art Unit: 2183

Response to Arguments

3. Applicant's arguments mailed 8/16/04 have been considered but are moot in view of the new ground(s) of rejection. As set forth in the art rejections above, Christie et al.'996 teaches the claimed invention.

Contact Information

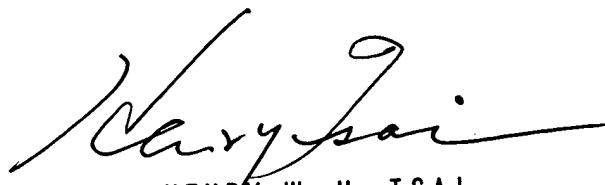
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Henry Tsai whose telephone number is (571) 272-4176. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Eddie Chan, can be reached on (571) 272-4162. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC central telephone number, (571)272-2100.

5. In order to reduce pendency and avoid potential delays, Group 2100 is encouraging FAXing of responses to Office actions directly into the Group at fax number: 703-872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by

Art Unit: 2183

applicants who authorize charges to a PTO deposit account.

Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2100 will be promptly forward to the examiner.



HENRY W. H. TSAI
PRIMARY EXAMINER

November 1, 2004